

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Canton, Illinois)) MB Docket No. 04-97
) RM-10897
) RM-10898
)
(Cedarville, Illinois)) MB Docket No. 04-98
) RM-10899
)
(Clifton, Illinois)) MB Docket No. 04-99
) RM-10900
)
(Freeport, Illinois)) MB Docket No. 04-100
) RM-10901
)
(Pinckneyville, Illinois)) MB Docket No. 04-101
) RM-10902
) RM-10903
)
(Farmersburg, Indiana)) MB Docket No. 04-102
) RM-10904
) RM-10905
) RM-10906
)
(Fowler, Indiana)) MB Docket No. 04-103
) RM-10907
)
(Madison, Indiana)) MB Docket No. 04-104
) RM-10908
)
(Terre Haute, Indiana)) MB Docket No. 04-105
) RM-10909
) RM-10910
) RM-10911
)
(Council Grove, Kansas)) MB Docket No. 04-106
) RM-10912
)
(Smith Mills, Kentucky)) MB Docket No. 04-107
) RM-10913
) RM-10914
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(Golden Meadow, Louisiana))	MB Docket No. 04-108
)	RM-10915
)	RM-10916
)	RM-10917
)	RM-10918
)	
(Homer, Louisiana))	MB Docket No. 04-109
)	RM-10919
)	
(Ringgold, Louisiana))	MB Docket No. 04-110
)	RM-10920
)	RM-10921
)	RM-10922

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 21, 2004

Released: July 23, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it *Notices of Proposed Rule Making*¹ setting forth fourteen Petitions for Rule Making to amend the FM Table of Allotments, Section 73.202(b) of the Commission rules, (47 C.F.R. § 73.202(b)) to reserve certain vacant FM allotments for noncommercial educational (“NCE”) use.

2. As stated in the *Notice*, the Commission established revised criteria by which a rulemaking proponent may reserve an FM allotment for NCE use that was originally limited to future allotment proceedings.² Subsequently, the Commission extended the expanded criteria to existing vacant FM allotments for which a Notice of Proposed Rule Making had been released prior to August 7, 2000, the effective date of the *NCE Report and Order*.³ Under this expanded criteria, a proponent must demonstrate that it is technically precluded from using a reserved channel (Channels 201 through 220) and the proposal would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1 mV/m contour of the proposed station.

¹ *Canton, IL, Cedarville, IL, Clifton, IL, Freeport, IL, Pinckneyville, IL, Farmersburg, IN, Fowler, IN, Madison, IN, Terre Haute, IN, Council Grove, KS, Smith Mills, KY, Golden Meadow, LA, Homer, LA, Ringgold, LA*, 19 FCC Rcd 6093 (MB 2004) (“*Notice*”).

² *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 15 FCC Rcd 7386 (2000) (“*NCE Report and Order*”). Previously, the Commission would only reserve a channel in the nonreserved FM band (Channels 221 through 300) if the petitioner demonstrated that no reserved channel could be used in the noncommercial reserve band (Channels 201 through 220) without causing prohibited interference to a Channel 6 TV station or a foreign broadcast station.

³ *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 18 FCC Rcd 6691 (2003) (“*NCE Second Report and Order*”). In a Public Notice released September 30, 2003, we invited petitions for rule making to reserve vacant FM allotments for NCE use pursuant to the *NCE Second Report and Order*.³ In response to the Public Notice, we received 129 petitions for the reservation of 91 allotments.

3. We find that the public interest would be served by reserving the above-captioned allotments for NCE use. Each petitioner has expressed a continuing interest in applying for an FM allotment reserved for NCE use, is eligible to do so, and has demonstrated compliance with the expanded criteria set forth in the *NCE Report and Order*. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MB Docket No. 04-97; RM-10897, RM-10898

Action: At the request of Illinois State University and Starboard Media Foundation, Inc., we are reserving vacant Channel 277A at Canton, Illinois for NCE use.

Coordinates: 40-28-27 NL and 90-03-01 WL

Additional Information: No other comments were received in response to this proceeding.

B. MB Docket No. 04-98; RM-10899

Action: At the request of The Catholic Diocese of Rockford, we are reserving vacant Channel 258A at Cedarville, Illinois for NCE use.

Coordinates: 42-21-50 NL and 89-40-59 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 258A at Cedarville, if reserved for NCE use. No other comments were received in response to this proceeding.

C. MB Docket No. 04-99; RM-10900

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 297A at Clifton, Illinois for NCE use.

Coordinates: 40-52-00 NL and 87-58-00 WL

Additional Information: No other comments were received in response to this proceeding.

D. MB Docket No. 04-100; RM-10901

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 295A at Freeport, Illinois for NCE use.

Coordinates: 42-19-28 NL and 89-35-13 WL

Additional Information: No other comments were received in response to this proceeding.

E. MB Docket No. 04-101; RM-10902; RM-10903

Action: At the request of Starboard Media Foundation, Inc. and Miller Media, we are reserving vacant Channel 282A at Pinckneyville, Illinois for NCE use.

Coordinates: 38-5-30 NL and 89-22-46 WL

Additional Information: No other comments were received in response to this proceeding.

F. MB Docket No. 04-102; RM-10904; RM-10905; RM-10906

Action: At the request of American Family Association, Starboard Media Foundation, Inc., and Word Power, Inc., we are reserving vacant Channel 242A at Farmersburg, Indiana for NCE use.

Coordinates: 39-15-18 NL and 87-23-00 WL

Additional Information: No other comments were received in response to this proceeding.

G. MB Docket No. 04-103; RM-10907

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 291A at Fowler, Indiana for NCE use.

Coordinates: 40-38-05 NL and 87-18-46 WL

Additional Information: No other comments were received in response to this proceeding.

H. MB Docket No. 04-104; RM-10908

Action: At the request of American Family Association, we are reserving vacant Channel 266A at Madison, Indiana for NCE use.

Coordinates: 38-49-15 NL and 85-18-46 WL

Additional Information: Starboard Media Foundation, Inc. and Hanover College filed supporting comments expressing an interest in applying for vacant Channel 266A at Madison, if reserved for NCE use. No other comments were received in response to this proceeding.

I. MB Docket No. 04-105; RM-10909, RM-10910, RM-10911

Action: At the request of Living Proof, Inc. Word Power, Inc. and The Trustees of Indiana University, we are reserving vacant Channel 298B at Terre Haute for NCE use.

Coordinates: 39-30-14 NL and 87-26-37 WL

Additional Information: Starboard Media Foundation, Inc. and Indiana State University filed supporting comments expressing an interest in applying for vacant Channel 298B at Terre Haute, if reserved for NCE use. No other comments were received in response to this proceeding.

J. MB Docket No. 04-106; RM-10912

Action: At the request of Great Plains Christian Radio, Inc., we are reserving vacant Channel 281C3 at Council Grove, Kansas for NCE use.

Coordinates: 38-39-42 NL and 96-29-18 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 281C3 at Council Grove, if reserved for NCE use. No other comments were received in response to this proceeding.

K. MB Docket No. 04-107; RM-10913; RM-10914

Action: At the request of American Family Association and Starboard Media Foundation, Inc., we are reserving vacant Channel 233A at Smith Mills, Kentucky for NCE use.

Coordinates: 37-47-26 NL and 87-55-23 WL

Additional Information: No other comments were received in response to this proceeding.

L. MB Docket No. 04-108; RM-10915; RM-10916; RM-10917; RM-10918

Action: At the request of American Family Association, Starboard Media Foundation, Inc., Providence Educational Foundation, and Calvary of New Orleans, we are reserving vacant Channel 289C2 at Golden Meadow, Louisiana for NCE use.

Coordinates: 29-14-00 NL and 90-15-00 WL

Additional Information: No other comments were received in response to this proceeding.

M. MB Docket No. 04-109; RM-10919

Action: At the request of American Family Association, we are reserving vacant Channel 272A at Homer, Louisiana for NCE use.

Coordinates: 32-42-41 NL and 92-56-35 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 272A at Homer, if reserved for NCE use. No other comments were received in response to this proceeding.

N. MB Docket No. 04-110; RM-10920; RM-10921; RM-10922

Action: At the request of American Family Association, Starboard Media Foundation, Inc., Southern Cultural Outreach Association, Inc., we are reserving vacant Channel 253C3 at Ringgold, Louisiana for NCE use.

Coordinates: 32-19-49 NL and 93-12-33 WL

Additional Information: No other comments were received in response to this proceeding.

4. Accordingly, pursuant to the authority found in 47 U.S.C Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective September

7, 2004, the FM Table of Allotments, 47 C.F.R Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Canton, Illinois	*277A, 300B1
Cedarville, Illinois	*258A
Clifton, Illinois	*297A
Freeport, Illinois	221A, 253B, *295A
Pinckneyville, Illinois	*282A
Farmersburg, Indiana	*242A
Fowler, Indiana	*291A
Madison, Indiana	244A, *266A
Terre Haute, Indiana	260B, 264B, 274B, *298B
Council Grove, Kansas	*281C3
Smith Mills, Kentucky	*233A
Golden Meadow, Louisiana	*289C2
Homer, Louisiana	*272A, 294C2
Ringgold, Louisiana	*253C3

5. The window period for filing NCE applications for these allotments will not be opened at this time. Instead, the issue of opening a filing window for these NCE allotments will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

7. For further information concerning a specific docket, contact Rolanda F. Smith, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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